

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI

SHEARER ANTHONY ET AL

PLAINTIFF

VS.

NO. 251-09-000752-CIV

MS STATE DEPARTMENT OF PUBLIC SAFETY/HIGHWAY

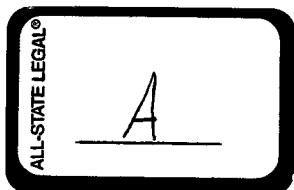
DEFENDANT

I, BARBARA DUNN, CIRCUIT CLERK, OF THE CIRCUIT COURT  
IN AND FOR THE SAID STATE AND COUNTY DO HEREBY CERTIFY THAT  
THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL THE PAPERS  
FILED IN THIS OFFICE IN THE ABOVE STYLED AND NUMBERED CAUSE,  
AS OF THIS DATE THE SAME IS OF RECORD IN THIS OFFICE IN DOCKET  
BOOK NO. 09 PAGE NO. 752 TO WIT:

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 6TH  
DAY OF OCTOBER, 2009.

**BARBARA DUNN, CIRCUIT CLERK**  
HINDS COUNTY, MISSISSIPPI

BY Barbara Dunn A D.C.



FILED

SEP 10 2009

BARBARA DUNN, CIRCUIT CLERK  
BY D.C.

## IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
 VOLUME MEAT VEGETABLES & PRODUCE,  
 OUTLAWED HAWG BBQ

PLAINTIFFS

VS.

CAUSE NO.: 251-09-752 CIV

MS STATE DEPARTMENT OF PUBLIC SAFETY/  
 MISSISSIPPI HIGHWAY PATROL, CAPTAIN  
 JEFFREY C. MCNEECE, individually and officially,  
 MICHAEL BERTHAY, individually and officially,  
 BILL ELLIS, individually and officially, CHRIS  
 DICKINSON, individually and officially, SHERIFF  
 DEPARTMENT OF ITAWAMBA COUNTY.

ITAWAMBA COUNTY BOARD OF SUPERVISORS.

DEFENDANTS

**COMPLAINT**  
 (Jury Trial Demanded)

COMES NOW, Plaintiff, Anthony Shearer, Tammy Shearer, Volume Meat Vegetables & Produce and Outlawed Hawg BBQ ("Shearer" or "Plaintiff"), by and through undersigned counsel, and files this complaint against Mississippi Department of Public Safety; Captain Jeffrey C. Mcneece, individually and officially; Colonel Michael Berthay, individually and officially; Chris Dickinson, individually and officially; Sheriff Department of Itawamba County; Major Bill Ellis individually and officially; and Itawamba County Board of Supervisors alleging violations of rights provided by 42 U.S.C. § 1981, 42 U.S.C. §1983, 42 U.S.C. §1985, equal protection clause of the fourteenth amendment of the US Constitution, breach of covenant of good faith and fair dealing, negligent Infliction of emotional distress, and interference with an employment contract and/or prospective economic advantage and all other federal laws and laws of the State of Mississippi which may be applicable.

**PARTIES**

1. Plaintiff, Anthony Shearer ("Shearer") is an adult resident of Itawamba County Mississippi residing at, 7443 Hwy 178 E, Fulton, MS 38843

2. Plaintiff Tammy Shearer (Tammy) is an adult resident of Itawamba County Mississippi residing at 7443 Hwy 178 E, Fulton, MS 38843.
3. Plaintiff Outlawed Hawg and Vegetables Meat, Vegetables and Produce is a properly organized business authorized and licensed to operate in the State of Mississippi and may be served with process through Tony or Tammy Shearer at 7443 Hwy 178 E, Fulton, MS 38843.
4. Defendant Mississippi State Department of Public Safety may be served with process by serving the Mississippi Attorney General James Hood at 550 High Street Suite 1200, Jackson, MS 39201.
5. Defendant Captain JEFFREY C. MCNEECE, individually and officially, may be served with process at his place of employment with the Headquarters, Mississippi Department of Public Safety/Mississippi Highway Patrol at 1900 E. Woodrow Wilson Drive, Jackson, MS 39216.
6. Defendant Colonel MICHAEL BERTHAY, individually and officially, may be served with process at his place of employment with the Headquarters, Mississippi Department of Public Safety/Mississippi Highway Patrol at 1900 E. Woodrow Wilson Drive, Jackson, MS 39216.
7. Defendant Major BILL ELLIS, individually and officially, may be served with process at his place of employment with the Headquarters, Mississippi Department of Public Safety/Mississippi Highway Patrol at 1900 E. Woodrow Wilson Drive, Jackson, MS 39216.
8. Defendant Sheriff CHRIS DICKINSON, individually and officially, may be served with process at his place of employment with the Itawamba County Sheriff Department at 201 S. Cummings St. Fulton, MS 38843.

9. Defendant Sheriff CHRIS DICKINSON, individually and officially, may be served with process at his place of employment with the Itawamba County Sheriff Department at 201 S. Cummings St. Fulton, MS 38843.
10. Defendant Itawamba County Board of Supervisors may be served with process by providing service to the Itawamba County Chancery Clerk at PO Box 776 Fulton, MS 38843.

**JURISDICTION**

11. The Court has jurisdiction over the claims in this complaint.
12. The Court has personal jurisdiction over the parties to this claim.
13. Venue is proper in this court since all or part of the alleged violations occurred in Jackson, Mississippi in the First Judicial District of Hinds County and at least one of the party defendants is a state agency with its executive office located in Hinds County in the First Judicial District.

**FACTS**

14. Plaintiff, Tammy Shearer owned and operated a catering business by the name of Outlawed Hawg Catering.
15. In November 2007, the Itawamba County, Mississippi Board of Supervisors advertised for bids to feed prisoners at the Itawamba County Jail.
16. Plaintiff Tammy Shearer submitted a bid in response to the advertisement and Outlawed Hawg Catering was awarded the contract by the Itawamba County Mississippi Board of Supervisors.
17. On or about January 2008, Plaintiffs entered into a contract with Defendant Itawamba County Board of Supervisors for the feeding of prisoners in the custody

of Defendant Itawamba County Sheriff Department under the direction and control of Itawamba County Sheriff Chris Dickinson.

18. The Contract for feeding of prisoners was for the one-year period of January 1, 2008 through December 31, 2008.
19. Plaintiffs performed all obligations under the contract in a satisfactory manner under the provisions of the contract prior to the termination of the contract
20. Plaintiff Tony Shearer had participated in protected activity by filing a grievance and lawsuit against Defendant Mississippi Department of Public Safety/Mississippi Highway Patrol.
21. On or about March 7, 2008, Plaintiff Tony Shearer was directed to a meeting at the New Albany Highway Patrol Substation for Troop F where Defendants Jeff McNeece in conjunction with Major Bill Ellis threatened to terminate Plaintiff Tony Shearer from his job with the Mississippi Highway Patrol if he did not withdraw from the contract to provide food to the prisoners for the Itawamba County Sheriff Department.
22. On or about March 7, 2008, Defendant Major Bill Ellis additionally threatened to “write up” or further discipline Plaintiff Tony Shearer with a group III offense if he did not terminate his contract with Itawamba County.
23. On or about March 7, 2008, Defendant McNeece informed Mr. Shearer that he (McNeece) had taken it upon himself to contact the Sheriff of Itawamba County to get him to agree to terminate the Shearer’s contract to provide food to the prisoners in the custody of the Itawamba County Sheriff Department.
24. On or about March 8, 2008, Tony Shearer contacted Defendant Chris Dickinson to request that Tammy Shearer and Volume Meat & Produce/Outlawed Hawg

BBQ be allowed to discontinue the feeding contract as directed by Defendants McNeece and Ellis.

25. On or about March 8, 2008, Tony Shearer contacted Defendant Itawamba County Board of Supervisors president Danny Holley to notify him that he was being forced to resign the contract for the feeding of prisoners for Itawamba County.
26. The value of Plaintiffs contract for feeding the Itawamba County prisoners was approximately \$88,000.00.
27. On or about March 10, 2008, the Itawamba County Board of Supervisors released Plaintiffs from the terms of the contract for the feeding of prisoners for Itawamba County.
28. On or about March 10, 2008, following the actions of the Itawamba County Board of Supervisors, Plaintiff Tony Shearer was directed to a meeting with Defendants McNeece and Ellis where he was threatened, intimidated and harassed.
29. On or about March 10, 2008, Defendant Berthay entered the meeting with Plaintiff Tony Shearer, and Defendants McNeece and Ellis and shortly thereafter directed Plaintiff Shearer to leave the room.
30. Defendant Berthay knew of the actions taken against Plaintiffs under color of state law and did nothing to stop the activities.
31. Plaintiff Tammy Shearer was not an employee of Defendants Mississippi Department of Public Safety/Mississippi Highway Patrol at all relevant times.
32. Plaintiff Anthony Shearer was a vested employee of the State of Mississippi working for the Mississippi Department of Public Safety/Mississippi Highway Patrol at all relevant times.

33. Plaintiffs have been continuously subjected to harassment and intimidation Defendant employees of the Mississippi Department of Public Safety which has been ongoing.
34. Defendants Berthay, McNeece, Ellis, Dickinson used their positions of authority to violate Plaintiffs' statutory, constitutional and common law rights.

**COUNT I**  
**NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

35. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-34 as if set out here in full.
36. Defendants conduct was outrageous and beyond decency. Defendants' actions directed against Plaintiffs were reckless and in total disregard for a foreseeable outcome.
37. As a direct and proximate result of Defendants' actions described herein, Plaintiff have suffered economic losses, benefits, and emotional distress.

**COUNT II**  
**INTENTIONAL INFILCITON OF EMOTION DISTRESS**

38. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-37 as if set out here in full.
39. Defendant did not have just cause to coerce and force Plaintiff Tony Shearer to terminate the contract of Plaintiff Tammy Shearer with Defendants Itawamba County.
40. Defendant's act of threatening to Discipline and/or terminate Plaintiff Tony Shearer was the direct cause of his injuries and violations of rights secured under Federal and State law.

41. As a direct and proximate result of Defendants' actions described herein, Plaintiffs Tony and Tammy Shearer have suffered economic losses, benefits, and emotional distress.

**COUNT III**  
**RETALIATION**

42. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-41 as if set out here in full.

43. Plaintiff Tony Shearer had filed a grievance and a law suit against the Mississippi Department of Public Safety/Mississippi Highway Patrol and is afforded protection from retaliation.

44. Plaintiff Tony Shearer was treated differently than other employees who had not previously participated in protected activity.

45. As a direct and proximate result of Defendants' actions described herein, Plaintiff has suffered economic losses, benefits, and emotional distress.

**COUNT IV**  
**BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**

46. Plaintiffs realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-45 as if set out here in full.

47. Defendants failed in its duty to refrain from hindering or preventing the Plaintiffs from the performance of their duties or to take affirmative steps to cooperate with Plaintiff in achieving those goals.

48. Defendants treatment and forced termination of Plaintiffs' contract for feeding prisoners was conduct which violates the standards of decency, fairness, and reasonableness.

49. As a direct and proximate result of Defendants' actions described herein, Plaintiffs have suffered economic losses, benefits, and emotional distress.

**COUNT V**  
**EQUAL PROTECTION**

50. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-49 as if set out here in full.

51. Defendants and others who may later be identified used their apparent authority to treat similarly situated more favorable than Plaintiffs which had the effect of unreasonably depriving Plaintiffs of their right to be treated in the same manner as similarly situated individuals.

52. As a direct and proximate result of Defendants' actions described herein, Plaintiffs have suffered economic losses, benefits, and emotional distress.

**COUNT VI**

**INTERFERENCE WITH AN EMPLOYMENT CONTRACT AND/OR PROSPECTIVE ECONOMIC ADVANTAGE**

53. Plaintiff's realleges and incorporates herein by reference each and every allegation contained in paragraphs 1-52 as if set out here in full.

54. Defendants' actions were calculated to cause damages to the Plaintiffs' in the lawful operation and performance of their business.

55. That Defendants' actions were done with the unlawful purpose of causing damage and loss to Plaintiffs, without rights or justifiable cause.

56. Defendants' actions resulted in actual damages and loss to the Plaintiffs.

57. As a direct and proximate result of Defendants' actions described herein, Plaintiffs have suffered economic losses, benefits, and emotional distress.

**COUNT VII**

**CONSPIRACY**

58. Plaintiff's realleges and incorporates herein by reference each and every allegation contained in paragraphs 1-57 as if set out here in full.
59. Defendants, Berthay, McNeece, Ellis, and Dickinson constituted two or more persons;
60. acting together with a unity of purpose and/or in furtherance to deprive, either directly or indirectly, Plaintiffs of the equal protection of the laws, or of equal privileges and immunities under the laws; a
61. Plaintiffs were injured in their person and/or property or deprived of any right or privilege of a citizen of the United States.
62. As a direct and proximate result of Defendants' actions described herein, Plaintiffs have suffered economic losses, benefits, and emotional distress

**PRAYER OF RELIEF**

Plaintiffs request the Court issue the following relief:

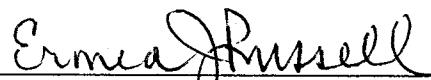
- a. Compensatory damages both pecuniary and non-pecuniary in an amount to be determined by a jury;
- b. Attorneys fees, costs and expenses;
- c. Punitive damages, where appropriate, in an amount to be determined by a jury.
- d. Award such other relief to which Plaintiffs may be entitled under law.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs demand judgment against the Defendants providing compensation for pecuniary and non pecuniary losses in amounts to be determined at trial; punitive damages, where appropriate, for willful, malicious and/or reckless

conduct in amounts to be determined at trial; reasonable attorneys fees and costs; and such further relief as the Court deems appropriate.

This the 22<sup>nd</sup> day of June, 2009.

Respectfully Submitted,  
ANTHONY SHEARER, TAMMY  
SHEARER, VOLUME MEAT,  
VEGETABLES & PRODUCE, and  
OUTLAWED HAWG BBQ, Plaintiffs

  
\_\_\_\_\_  
Ermea J. Russell, MB# 5739  
Attorney for Plaintiffs

OF COUNSEL:

Ermea J. Russell MB# 5739  
THE RUSSELL LAW FIRM, PLLC  
P.O. Box 24561  
Jackson, MS 39225  
Tel: (601) 968-0048

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

PLAINTIFFS

VS.

CAUSE NO.: 251-09-752 CIV

MS STATE DEPARTMENT OF PUBLIC SAFETY/  
MISSISSIPPI HIGHWAY PATROL, CAPTAIN  
JEFFREY C. MCNEECE, individually and officially,  
MICHAEL BERTHAY, individually and officially,  
BILL ELLIS, individually and officially, CHRIS  
DICKINSON, individually and officially, SHERIFF  
DEPARTMENT OF ITAWAMBA COUNTY,  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

**F I L E D**

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK

BY        D.C.  
DEFENDANTS

---

**SUMMONS**

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**THE STATE OF MISSISSIPPI  
COUNTY OF HINDS**

**TO: Jim Hood, Attorney General  
Mississippi Attorney General's Office  
Walter Sillers Building, Suite 1200  
550 High Street  
Jackson, MS 39201**

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT  
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to **Ermea J. Russell.**, the attorney for the Plaintiff, whose address is **P.O. Box 24561, Jackson, MS 39225**. Your response must be mailed or delivered within (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the clerk of this Court within a reasonable time afterward.

FILED

STATE OF MISSISSIPPI  
COUNTY OF Hinds

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Carlene W. Collins who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Carlene W. Collins  
Process Server (signature)

Sworn to and subscribed before me this the 21<sup>st</sup> day of September,  
2009.

My commission expires:

1/2/2012



EDDIE JEAN CARR, CHANCERY CLERK  
NOTARY PUBLIC

By: AN Sanders D.C.

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

PLAINTIFFS

VS.

CAUSE NO.: 251-09-75a CIV

MS STATE DEPARTMENT OF PUBLIC SAFETY/  
MISSISSIPPI HIGHWAY PATROL, CAPTAIN  
JEFFREY C. MCNEECE, individually and officially,  
MICHAEL BERTHAY, individually and officially,  
BILL ELLIS, individually and officially, CHRIS  
DICKINSON, individually and officially, SHERIFF  
DEPARTMENT OF ITAWAMBA COUNTY,  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

FILED  
SEP 21 2009  
BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.  
DEFENDANTS

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SUMMONS

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THE STATE OF MISSISSIPPI  
COUNTY OF HINDS

TO: Michael Berthay, Officially and Individually  
Mississippi Department of Public Safety  
c/o Mississippi State Highway Patrol  
P.O. Box 958  
1900 E. Woodrow Wilson Drive  
Jackson, MS 39216

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AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

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delivery of this Summons and Complaint or a judgment by default will be entered against you for  
the money or other things demanded in the complaint.

You must also file the original of your response with the clerk of this Court within a reasonable time afterward.

ISSUED under my hand and seal of said Court, this the 21 day of September 2009.

**HON. BARBARA DUNN  
CIRCUIT CLERK**

BY:  , D.C.

**PREPARED BY:**

**ERMEA J. RUSSELL MB#5739  
ATTORNEY FOR PLAINTIFF  
THE RUSSELL LAW FIRM, PLLC  
P.O. BOX 24561  
623 COURT ST  
JACKSON, MS 39225  
(601) 968-0048**

ATTEST A TRUE COPY  
SEP 21 2009  
BARBARA DUNN, CIRCUIT CLERK  
D.C.  
BY

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

VS.

PLAINTIFFS

CAUSE NO.: 251-09-752 CIV

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MICHAEL BERTHAY, individually and officially,  
BILL ELLIS, individually and officially, CHRIS  
DICKINSON, individually and officially, SHERIFF  
DEPARTMENT OF ITAWAMBA COUNTY.  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

**F I L E D**

SEP 10 2009

BARBARA DUNN, CIRCUIT CLERK

BY \_\_\_\_\_ D.C.

DEFENDANTS

**COMPLAINT**  
(Jury Trial Demanded)

COMES NOW, Plaintiff, Anthony Shearer, Tammy Shearer, Volume Meat Vegetables & Produce and Outlawed Hawg BBQ("Shearer" or "Plaintiff"), by and through undersigned counsel, and files this complaint against Mississippi Department of Public Safety; Captain Jeffrey C. Mcneece, individually and officially; Colonel Michael Berthay, individually and officially; Chris Dickinson, individually and officially; Sheriff Department of Itawamba County; Major Bill Ellis individually and officially; and Itawamba County Board of Supervisors alleging violations of rights provided by 42 U.S.C. § 1981, 42 U.S.C. §1983, 42 U.S.C. §1985, equal protection clause of the fourteenth amendment of the US Constitution, breach of covenant of good faith and fair dealing, negligent Infliction of emotional distress, and interference with an employment contract and/or prospective economic advantage and all other federal laws and laws of the State of Mississippi which may be applicable.

**PARTIES**

1. Plaintiff, Anthony Shearer ("Shearer") is an adult resident of Itawamba County Mississippi residing at, 7443 Hwy 178 E, Fulton, MS 38843

FILED

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK

D.C.

STATE OF Mississippi  
COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Carlene W. Collins who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Carlene W. Collins  
Process Server (signature)

Sworn to and subscribed before me this the 21<sup>st</sup> day of September,  
2009.

EDDIE JEAN CARR, CHANCERY CLERK

NOTARY PUBLIC

By: DN Sanders J.C.

My commission expires:

1/2/2012



IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

PLAINTIFFS

VS.

CAUSE NO. 251-09-7520CV

MS STATE DEPARTMENT OF PUBLIC SAFETY/  
MISSISSIPPI HIGHWAY PATROL, CAPTAIN  
JEFFREY C. MCNEECE, individually and officially,  
MICHAEL BERTHAY, individually and officially,  
BILL ELLIS, individually and officially, CHRIS  
DICKINSON, individually and officially, SHERIFF  
DEPARTMENT OF ITAWAMBA COUNTY,  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

DEFENDANTS

---

SUMMONS

---

THE STATE OF MISSISSIPPI  
COUNTY OF HINDS

**FILED**

TO: Jeffrey McNeece, Officially and Individually  
Mississippi Department of Public Safety  
c/o Mississippi State Highway Patrol  
P.O. Box 958  
1900 E. Woodrow Wilson Drive  
Jackson, MS 39216

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK

BY

D.C.

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SEP 21 2009

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D.C.

STATE OF MISSISSIPPI  
COUNTY OF HINDS

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Carlene W Collins  
Process Server (signature)

Sworn to and subscribed before me this the 21<sup>st</sup> day of September,  
2009.

EDDIE JEAN CARR, CHANCERY CLERK

NOTARY PUBLIC

By: DNSanders D.C.

My commission expires:

1/2/2012



IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
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DEPARTMENT OF ITAWAMBA COUNTY,  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

**F I L E D**

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK

BY \_\_\_\_\_ D.C.

DEFENDANTS

---

**SUMMONS**

---

**THE STATE OF MISSISSIPPI  
COUNTY OF HINDS**

**TO: Bill Ellis, Officially and Individually**  
Mississippi Department of Public Safety  
c/o Mississippi State Highway Patrol  
P.O. Box 958  
1900 E.Woodrow Wilson Drive  
Jackson, MS 39216

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ISSUED under my hand and seal of said Court, this 21 day of September 2009.

**HON. BARBARA DUNN  
CIRCUIT CLERK**

BY: \_\_\_\_\_, D.C.

**PREPARED BY:**

**ERMEA J. RUSSELL MB#5739  
ATTORNEY FOR PLAINTIFF  
THE RUSSELL LAW FIRM, PLLC  
P.O. BOX 24561  
623 COURT ST  
JACKSON, MS 39225  
(601) 968-0048**

ATTEST A TRUE COPY  
SEP 21 2009  
BY BARBARA DUNN, CIRCUIT CLERK  
D.C.

FILED

SEP 21 2009

PROOF OF SERVICE -SUMMONS  
(Process Server)

BARBARA DUNN, CIRCUIT CLERK

BY

D.C.

~~Katie Dalton, Ms Dept. of Public Safety for Bill Ellis~~

Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By Mail (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledge and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to Katie Dalton, Ms. DPS legal on the 21<sup>st</sup> day of September, 2008, where I found said person in Hinds County of the State of MISSISSIPPI.

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, \_\_\_\_\_ (State). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I mailed (By first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

At the time of services I was at least 18 years of age and not a party to this action.

Fee for service: \$35.00.

Process server must list below: [Please print or type]

Name: Cartene Collins  
 Address: 1336 Misty Lane  
Terry, MS 39170  
 Telephone No: 6617506746

SS#: XXX-XX-3075

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

VS.

PLAINTIFFS

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DEPARTMENT OF ITAWAMBA COUNTY.  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

**F I L E D**

SEP 10 2009

BARBARA DUNN, CIRCUIT CLERK

BY \_\_\_\_\_ D.C.

DEFENDANTS

**COMPLAINT**  
(Jury Trial Demanded)

COMES NOW, Plaintiff, Anthony Shearer, Tammy Shearer, Volume Meat Vegetables & Produce and Outlawed Hawg BBQ("Shearer" or "Plaintiff"), by and through undersigned counsel, and files this complaint against Mississippi Department of Public Safety; Captain Jeffrey C. McNece, individually and officially; Colonel Michael Berthay, individually and officially; Chris Dickinson, individually and officially; Sheriff Department of Itawamba County; Major Bill Ellis individually and officially; and Itawamba County Board of Supervisors alleging violations of rights provided by 42 U.S.C. § 1981, 42 U.S.C. §1983, 42 U.S.C. §1985, equal protection clause of the fourteenth amendment of the US Constitution, breach of covenant of good faith and fair dealing, negligent Infliction of emotional distress, and interference with an employment contract and/or prospective economic advantage and all other federal laws and laws of the State of Mississippi which may be applicable.

**PARTIES**

1. Plaintiff, Anthony Shearer ("Shearer") is an adult resident of Itawamba County Mississippi residing at, 7443 Hwy 178 E, Fulton, MS 38843

FILED

STATE OF MISSISSIPPI  
COUNTY OF Hinds

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Carlene W. Collins who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Carlene W. Collins  
Process Server (signature)

Sworn to and subscribed before me this the 21<sup>st</sup> day of September,  
2009

My commission expires:

1/2/2012

EDDIE JEAN CARR, CHANCERY CLERK  
NOTARY PUBLIC

By: AN Sanders D.C.



STATE OF MISSISSIPPI

COUNTY OF HINDS

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2009.

EDDIE JEAN CARR, CHANCERY CLERK  
NOTARY PUBLIC

My commission expires:

1/2/2012

By: DN Sanders J.C.



FILED  
SEP 21 2009  
BARBARA DUNN, CIRCUIT CLERK  
BY

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

ANTHONY SHEARER, TAMMY SHEARER,  
VOLUME MEAT VEGETABLES & PRODUCE,  
OUTLAWED HAWG BBQ

PLAINTIFFS

VS.

CAUSE NO.: 251-09-752 CIV

MS STATE DEPARTMENT OF PUBLIC SAFETY/  
MISSISSIPPI HIGHWAY PATROL, CAPTAIN  
JEFFREY C. MCNEECE, individually and officially,  
MICHAEL BERTHAY, individually and officially,  
BILL ELLIS, individually and officially, CHRIS  
DICKINSON, individually and officially, SHERIFF  
DEPARTMENT OF ITAWAMBA COUNTY,  
ITAWAMBA COUNTY BOARD OF SUPERVISORS.

DEFENDANTS

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SUMMONS

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THE STATE OF MISSISSIPPI  
COUNTY OF HINDS

TO: Stephen B. Simpson Commissioner  
Mississippi Department of Public Safety  
Mississippi State Highway Patrol  
P.O. Box 958  
1900 E. Woodrow Wilson Drive  
Jackson, MS 39216

FILED

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK

BY

D.C.

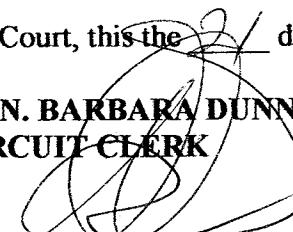
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT  
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to  
Ermea J. Russell., the attorney for the Plaintiff, whose address is P.O. Box 24561, Jackson,  
MS 39225. Your response must be mailed or delivered within (30) days from the date of  
delivery of this Summons and Complaint or a judgment by default will be entered against you for  
the money or other things demanded in the complaint.

You must also file the original of your response with the clerk of this Court within a reasonable time afterward.

ISSUED under my hand and seal of said Court, this the ~~21~~ day of September 2009.

**HON. BARBARA DUNN  
CIRCUIT CLERK**

BY:  D.C.

**PREPARED BY:**

**ERMEA J. RUSSELL MB#5739  
ATTORNEY FOR PLAINTIFF  
THE RUSSELL LAW FIRM, PLLC  
P.O. BOX 24561  
623 COURT ST  
JACKSON, MS 39225  
(601) 968-0048**

*ATTEST A TRUE COPY  
SEP 21 2009  
BARBARA DUNN, CIRCUIT CLERK  
D.C.*